

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

7865 INDUSTRIAL DRIVE, LLC, an Illinois limited liability company,)	
)	
Plaintiff,)	Case No. 08-1147
)	
v.)	Honorable Judge E. Bucklo
)	
THE VILLAGE OF FOREST PARK, an Illinois municipality.)	
)	

REPORT OF PARTIES' PLANNING MEETING

1. **Meeting.** The parties appeared before the Court on May 8, 2008, for status and for presentation of Defendants' Motion to Dismiss. Plaintiff withdrew its Complaint against Defendant Calderone at that hearing. By Minute Order dated May 9, 2008, the Court denied Defendants' Motion.

Pursuant to FED. R. CIV. P. 26(f), on May 14, 2008, Stan Sneeringer of Pedersen & Houpt, P.C., counsel for Plaintiff, contacted Elisha Rosenblum of O'Halloran, Kosoff, Geitner & Cook, LLC, counsel for Defendant Village of Forest Park, to set a time for the parties' Rule 26(f) conference.

Defendant declined to participate in such a meeting and, instead, requested that Plaintiff draft a proposed Scheduling Order and submit same to Defendant for review. Mr. Rosenblum advised Mr. Sneeringer that he would be unavailable until May 20, 2008. Plaintiff provided a proposed Scheduling Order to Defendant on May 20, 2008, which Defendant has reviewed. The attached proposed Scheduling Order has been approved by both parties.

2. **Pre-Trial Schedule.** The parties jointly propose to the Court the following discovery plan:
- a. Discovery will be needed on the following subjects:
- i. The reasonableness of the alternative avenues, if any, for the expressive conduct at issue under Section 11-5-1.5 of the Illinois Municipal Code, 65 ILCS 5/11-5-1.5.
- ii. The predominate intent of Defendant in passing Local Ordinance O-57-07, entitled "An Ordinance Amending the Village Code Providing for the Licensing and Regulation of Sexually Oriented Businesses in the Village of Forest Park, Cook County, Illinois."

- iii. The reasonableness of the alternative avenues, if any, for the expressive conduct at issue under Local Ordinance O-57-07.
 - iv. Plaintiff's damages.
- b. Disclosures pursuant to FED. R. CIV. P. 26(a)(1) to be made by June 23, 2008. Parties shall be excused from compliance with Rule 26(a)(1)(A)(ii). All discovery to be commenced in time to be completed by December 23, 2008.
- c. The parties expect they will need approximately ten depositions.
- d. Reports from retained experts under Rule 26(a)(2) due:
- i. Plaintiff's expert(s) initial report(s), October 23, 2008.
 - ii. Defendant's expert(s) initial report(s), if any, November 23, 2008.
 - iii. Plaintiff's reply report(s), if any, December 23, 2008.
- e. All potentially dispositive motions should be filed by February 6, 2009.
- f. Final pretrial order: Plaintiff to prepare proposed draft by June 8, 2009; parties to file joint final pretrial order by July 8, 2009.
- g. The case should be ready for trial by August 10, 2009 and at this time is expected to take approximately three days.
3. **Settlement.** Due to the timing of the parties' appearances before the Court, Plaintiff was unable to submit a written settlement demand to Defendant prior to May 20, 2008. Plaintiff submitted a written settlement demand to Defendant, and Defendant responded in writing on May 21, 2008. The parties were unable to reach settlement.
4. **Consent.** The parties do not consent unanimously to proceed before a Magistrate Judge.

Date: May 21, 2008.

Respectfully submitted,

7865 INDUSTRIAL DRIVE, LLC

By: s/Stan C. Sneeringer
One of its Attorneys

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VILLAGE OF FOREST PARK

By: s/Elisha S. Rosenblum
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CERTIFICATE OF SERVICE

Stan C. Sneeringer, an attorney, states that he caused a copy of the foregoing **REPORT OF PARTIES' PLANNING MEETING** to be served upon the following counsel of record:

SERVICE LIST

Elisha S. Rosenblum
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via electronic filing on May 21, 2008.

/s/Stan Sneeringer